


ROY G. BROWN, JR.)
)
v.) NO. 3:10-0301
) JUDGE CAMPBELL
FEDEX FREIGHT, INC.)

The parties to this action have overlooked one important statutory prohibition. Federal law specifically provides that a civil action in state court arising under the worker's compensation laws of that state may not be removed to any district court of the United States. 28 U.S.C. § 1445(c). No one disputes that Plaintiff's action alleges retaliation for filing worker's compensation claims.

Whether a case "arises under" the worker's compensation laws is a question of federal law. *Thompson v. Cort Furniture Rental Corp.*, 797 F.Supp. 618, 619 (W.D. Tenn. 1992). This Court agrees with the reasoning in *Thompson* and finds that a suit alleging that an employee was discharged in retaliation for filing worker's compensation claims "arises under" the worker's compensation laws and, therefore, is nonremovable to federal court. *Thompson*, 797 F.Supp. at 624.

For this reason, Plaintiff's Motion to Remand is GRANTED, and this action is remanded to the Circuit Court for Davidson County, Tennessee.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE